

2005 Press Releases

December

- 22 Bruning Announces Sentence in Child Sexual Assault, Pornography, and Manufacturing Case
- 20 Bruning Announces Prosecution of Repeat Drunk Driver in Motor Vehicle Homicide Case
- 19 Bruning to Hold News Conference at 2:30 p.m. CST in Dakota City TOMORROW
- 15 Bruning's Statement on I-300 Ruling
- 13 Media Alert: Koso Hearing Moved to 10:30 a.m. CST TODAY
- 13 Media Advisory: Attorney General Bruning to Hold Media Availability at 2:00 p.m. CST TODAY
- 13 Attorney General Bruning Announces Conviction in Falls City Sex Assault Case
- 12 Media Advisory: Attorney General Bruning to Hold News Conference at 11:30 a.m. CST TODAY
- 12 Attorney General Bruning Requests Grand Jury to Investigate NU Regent's Campaign Finance Violations
- 12 Bruning Announces Sentence in Cedar County Murder Case
- 9 Media Advisory: Pre-Trial Hearing in Koso Case Set for 1:00 p.m. CST Tuesday, Dec. 13
- 6 Bruning Announces Conviction in Madison County Courtroom Attack
- 1 Bruning's Statement on the Passage of Federal Meth Legislation

Saturday

Friday

Thursday

Wednesday

Tuesday

Monday

Sunday

December 2005

3

2

1 AG's Statement on the Passage of Federal Meth Legislation

10

9 Media Advisory: Pre-Trial Hearing in Koso Case Set for 1:00 p.m. CST Tuesday, Dec. 13

8

7

6 AG Announces Conviction in Madison County Courtroom Attack

5

17

16

15 AG's Statement on I-300 Ruling

14

13 Media Alert: Koso Hearing Moved to 10:30 a.m. TODAY
Media Advisory: AG to hold Media Availability 2:00 p.m. TODAY
AG Announces Conviction in Falls City Sex Assault Case

12 Media Advisory: AG to Hold News Conference at 11:30 a.m. CST TODAY
AG Requests Grand Jury to Investigate NJ Regent's Campaign Finance Violations
AG Announces Sentence in Cedar County Murder Case

24

23

22

21

20 AG Announces Prosecution of Repeat Drunk Driver in Motor Vehicle Homicide Case

19 AG to Hold News Conference at 2:30 p.m. CST in Dakota City Tomorrow

31

30

29

28

27

26

25

FOR IMMEDIATE RELEASE
December 22, 2005, 11:00 a.m. CST

CONTACT:
Regan Anson, 402-471-2067

Bruning Announces Sentence in Child Sexual Assault, Pornography and Manufacturing Case

(Lincoln, Neb.) Attorney General Jon Bruning announced today that 37-year-old former foster parent Jeffrey Myers of Blue Hill has been sentenced to 55 to 75 years in prison by Adams County District Court Judge Terri Harder.

Bruning said, "Jeffrey Myers is the worst kind of offender - a sexual predator who preyed on innocent children for more than 15 years. He deserves to spend the next 55 to 75 years behind bars where he won't have the opportunity exploit another child."

Myers was found guilty of 15 felony counts in September, including five counts of first degree sexual assault, three counts of sexual assault of a child and seven counts of manufacturing child pornography. In November, Myers was found guilty of five felony counts of possession of child pornography.

The charges involved three children, none of whom were in Myers' care as foster children. According to investigative reports, Myers would pay young boys to engage in sex acts with him, occasionally recording those acts, and would later pay them for their cooperation.

The case was handled by Criminal Bureau Chief Don Kleine and Assistant Attorney General Matt Enenbach.

###

FOR IMMEDIATE RELEASE
December 20, 2005, 2:30 p.m. CST

CONTACT:
Regan Anson, 402-471-2067

Bruning Announces Prosecution of Repeat Drunk Driver in Motor Vehicle Homicide Case

(Lincoln, Neb.) Attorney General Jon Bruning announced today that his office has charged Boyd "Tom" Brazzell of South Sioux City with one count of motor vehicle homicide with a previous DUI conviction and one count of DUI resulting in serious bodily injury.

The first count is a Class III felony punishable by up to 20 years imprisonment, \$25,000 in fines and revocation of one's driver's license anywhere from 60 days to 15 years. The second count is a Class IIIA felony punishable up to 5 years in prison, \$10,000 in fines and revocation of one's driver's license anywhere from 60 days to 15 years.

Bruning said, "Our primary concern in this case is protecting the public. Mr. Brazzell made the decision to get behind the wheel after he had been drinking not once, but twice and he killed an innocent bystander. His repeated disregard for the law cannot be ignored."

Matney said, "I appreciate the Attorney General's willingness to take the lead in this case. Drunk drivers are a menace, and our society cannot overlook the danger they bring to our highways."

The charges against Brazzell, 61, stem from an accident on Nov. 19, 2005, in which Dr. Darrell T. Curry, 51, of Ponca, a Morningside College professor, was killed and his 14-year-old son seriously injured. According to police reports, Brazzell was traveling eastbound on Hwy 20 about three miles west of Jackson, Neb., when he crossed the center line in his pick-up and collided head-on with Curry's GEO Metro. Curry's 14-year-old son, who was riding in the front passenger seat, survived the crash but sustained a number of internal injuries and broken bones.

At the time of the accident, Brazzell was serving one year of unsupervised probation for a recent DUI conviction in Pottowattamie County, Iowa. He was convicted and sentenced for first offense operation while intoxicated for an incident occurring on June 10, 2005.

(more)

December 20, 2005

Preliminary testing indicated that shortly after the crash Brazzell's blood alcohol content was well beyond Nebraska's .08 limit.

According to statistics from Mothers Against Drunk Driving (MADD), 17,000 people are killed every year throughout the United State in alcohol-related crashes. In Nebraska, one person is killed every three days and one person is injured every three hours in alcohol-related crashes.

#

FOR IMMEDIATE RELEASE
December 19, 2005, 3:00 p.m. CST

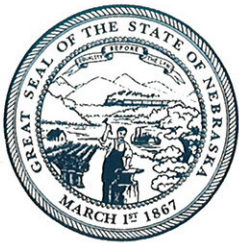
CONTACT:
Regan Anson, 402-471-2067

Bruning to Hold News Conference at 2:30 p.m. CST in Dakota City TOMORROW

Attorney General Jon Bruning will hold a news conference at 2:30 p.m. CST tomorrow, Tuesday, Dec. 20 in the Commissioners' Meeting Room at the Dakota County Courthouse in Dakota City, Neb., 1601 Broadway.

Bruning, who will be joined by Dakota County Attorney Ed Matney, will discuss the Nebraska Department of Justice's prosecution of a repeat drunk driver who was involved in a motor vehicle homicide.

###



STATE OF NEBRASKA
Office of the Attorney General

2115 STATE CAPITOL BUILDING
LINCOLN, NE 68509-8920
(402) 471-2682
TDD (402) 471-2682
CAPITOL FAX (402) 471-3297
K STREET FAX (402) 471-4725

JON BRUNING
ATTORNEY GENERAL

FOR IMMEDIATE RELEASE
December 15, 2005, 4:15 p.m. CST

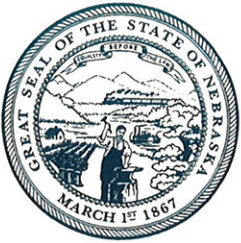
CONTACT:
Regan Anson, 402-471-2067

Bruning's Statement on I-300 Ruling

(Lincoln, Neb.) Attorney General Jon Bruning released the following statement today following a U.S. District Court Judge's ruling that I-300, Nebraska's corporate farming ban, is unconstitutional.

Bruning said, "The Nebraska Department of Justice has a duty to defend our constitution, and we will continue to do so to the best of our ability. We are in the process of reviewing our legal options."

###



STATE OF NEBRASKA
Office of the Attorney General

2115 STATE CAPITOL BUILDING
LINCOLN, NE 68509-8920
(402) 471-2682
TDD (402) 471-2682
CAPITOL FAX (402) 471-3297
K STREET FAX (402) 471-4725

JON BRUNING
ATTORNEY GENERAL

FOR IMMEDIATE RELEASE
December 13, 2005, 11:30 a.m. CST

CONTACT:
Regan Anson, 402-471-2067

*****MEDIA ADVISORY*****
Attorney General Bruning to Hold Media
Availability at 2:00 p.m. CST TODAY

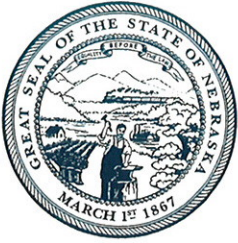
Attorney General Bruning will be available to answer media questions regarding Matt Koso's guilty plea at 2:00 p.m. CST today, Tuesday, Dec. 13 in Room 2115 at the State Capitol in Lincoln.

For a live, interactive audio feed dial 866-247-0709 and code 402-471-2682# at the prompt. Please mute phone lines when participating and avoid placing calls on hold.

Bruning filed one count of first-degree sexual assault against 22-year-old Koso in July after learning of his two-year sexual relationship with a 14-year-old girl who ended up pregnant with his child. Under Nebraska law, it is a crime for people age 19 and older to have sex with people 15 and younger. The pair was married in May in Hiawatha, Kan., where state law allows children as young as 12 to marry with parental consent.

First degree sexual assault is a Class II felony punishable by 1-50 years in prison.

###



STATE OF NEBRASKA
Office of the Attorney General

2115 STATE CAPITOL BUILDING
LINCOLN, NE 68509-8920
(402) 471-2682
TDD (402) 471-2682
CAPITOL FAX (402) 471-3297
K STREET FAX (402) 471-4725

JON BRUNING
ATTORNEY GENERAL

FOR IMMEDIATE RELEASE
December 13, 2005, 9:00 a.m. CST

CONTACT:
Regan Anson, 402-471-2067

*****MEDIA ALERT*****
Koso Hearing Moved to 10:30 a.m.
CST TODAY

The pre-trial hearing in the first-degree sexual assault case against Matthew Koso of Falls City has been rescheduled for 10:30 a.m. CST today, Tuesday, Dec. 13 in Richardson County District Court. It is possible that the case will be resolved. If the case is not resolved, Koso's trial is set to begin at 9:00 a.m. Thursday, Dec. 15 in Richardson County District Court.

Attorney General Bruning will be available to answer media questions at 2:00 p.m. CST today, Tuesday, Dec. 13 in Room 2115 at the State Capitol in Lincoln. For a live, interactive audio feed dial 866-247-0709 and code 402-471-2682 at the prompt.

Attorney General Jon Bruning filed one count of first-degree sexual assault against Koso in July after learning of his two-year sexual relationship with a 14-year-old girl who ended up pregnant with his child. The pair was married in May in Hiawatha, Kan., where state law allows children as young as 12 to marry with parental consent.

First degree sexual assault is a Class II felony punishable by 1-50 years in prison.

###



STATE OF NEBRASKA
Office of the Attorney General

2115 STATE CAPITOL BUILDING
LINCOLN, NE 68509-8920
(402) 471-2682
TDD (402) 471-2682
CAPITOL FAX (402) 471-3297
K STREET FAX (402) 471-4725

JON BRUNING
ATTORNEY GENERAL

FOR IMMEDIATE RELEASE
December 13, 2005, 2:00 p.m. CST

CONTACT:
Regan Anson, 402-471-2067

Attorney General Bruning Announces Conviction in Falls City Sex Assault Case

(Lincoln, Neb.) Attorney General Bruning announced today that Matt Koso of Falls City pleaded guilty and was convicted of first-degree sexual assault by Richardson County District Court Judge Daniel E. Bryan Jr.

Bruning said, "This case was not about two star-crossed lovers in a modern-day version of Romeo and Juliet. This case was about a grown man having sex with a child. Mr. Koso committed a serious crime, and he must now face the consequences."

Bruning filed one count of first-degree sexual assault against 22-year-old Koso in July after learning of his two-year sexual relationship with a 14-year-old girl who ended up pregnant with his child. Under Nebraska law, it is a crime for people age 19 and older to have sex with people 15 and younger. The pair was married in May in Hiawatha, Kan., where state law allows girls as young as 12 to marry with parental consent.

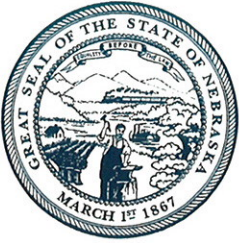
Judge Bryan offered to arrange for an evaluation of Koso's "mental abilities" that could be taken into account at sentencing, but Koso declined.

First degree sexual assault is a Class II felony punishable by 1-50 years in prison. Sentencing has been set for 10:00 a.m. CST Tuesday, Feb. 7, 2006.

Criminal Bureau Chief Don Kleine handled the case.

###

An audio clip featuring comments from Attorney General Bruning is available at http://www.ago.state.ne.us/content/sound_bits.html.



STATE OF NEBRASKA
Office of the Attorney General

2115 STATE CAPITOL BUILDING
LINCOLN, NE 68509-8920
(402) 471-2682
TDD (402) 471-2682
CAPITOL FAX (402) 471-3297
K STREET FAX (402) 471-4725

JON BRUNING
ATTORNEY GENERAL

FOR IMMEDIATE RELEASE
December 12, 2005, 3:10 p.m. CST

CONTACT:
Regan Anson, 402-471-2067

Bruning Announces Sentence in Cedar County Murder Case

(Lincoln, Neb.) Attorney General Jon Bruning announced today that Troy P. Jorgensen of rural Hartington has been sentenced to 34 to 40 years in prison in the stabbing death of 29-year-old Josh Kroc of Coleridge.

Jorgensen, 34, plead guilty and was convicted of the Class IB felony in November. He also plead guilty and was convicted of improperly disposing of human remains, a Class IV felony. He was sentenced to 20-60 months in prison on that charge. The sentences will be served consecutively.

Bruning said, "This is a heartbreaking case. No amount of time in prison can bring back a loved one. I hope Josh Kroc's family will take solace in knowing that justice has been served as they work to rebuild their lives."

Jorgensen stabbed Kroc to death during an altercation over Jorgensen's soon-to-be-ex-wife, whom Kroc had been seeing. Following the murder, Jorgensen dumped Kroc's body in a creek near Verdigre, Neb. Kroc's remains were found on April 16, 2004, six days after he was reported missing, by a father and son who were fixing fence north of Creighton.

The case was handled by Criminal Bureau Chief Don Kleine.

###

FOR IMMEDIATE RELEASE
December 12, 2005, 9:30 a.m. CST

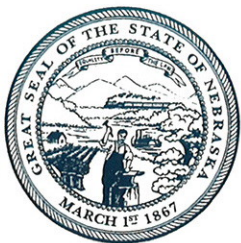
CONTACT:
Regan Anson, 402-471-2067

*****Media Advisory*****
**Attorney General Bruning to Hold News
Conference at 11:30 a.m. CST TODAY**

Attorney General Jon Bruning will hold a news conference at **11:30 a.m. CST today, Monday, Dec. 12 in Room 2115 at the State Capitol in Lincoln.** The Attorney General will discuss the Nebraska Department of Justice investigation into the campaign finance violations of University of Nebraska Regent C. David Hergert.

For a live, interactive audio feed dial 866-247-0709 and code 402-471-2682 at the prompt.

#



STATE OF NEBRASKA
Office of the Attorney General

2115 STATE CAPITOL BUILDING
LINCOLN, NE 68509-8920
(402) 471-2682
TDD (402) 471-2682
CAPITOL FAX (402) 471-3297
K STREET FAX (402) 471-4725

JON BRUNING
ATTORNEY GENERAL

FOR IMMEDIATE RELEASE
December 12, 2005, 11:30 a.m. CST

CONTACT:
Regan Anson, 402-471-2067

Attorney General Bruning Requests Grand Jury to Investigate NU Regent's Campaign Finance Violations

(Lincoln, Neb.) Attorney General Jon Bruning announced today that a grand jury will be convened to further investigate potential criminal activity surrounding the campaign finance violations of University of Nebraska Regent C. David Hergert during the 2004 election.

Lancaster County District Court Presiding Judge Karen Flowers granted the Attorney General's request to convene a grand jury in Lancaster County earlier this morning.

Bruning said, "It is vital for the public trust that government officials are held to the same standard as every other citizen of this state. The grand jury process will allow a jury of Mr. Hergert's peers to evaluate the evidence against him, and is the most impartial way to put this matter to rest."

"Nebraskans deserve the truth. Elections are a key part of our democracy, and the integrity of the electoral process must be taken very seriously."

The grand jury investigation has been requested to gather all evidence relevant to this case and to evaluate that evidence to determine whether an indictment should be returned. The grand jury will have the power to compel witnesses to testify under oath and subpoena other necessary information.

The Nebraska Department of Justice and the Nebraska State Patrol began their investigation in late June into Hergert's failure to comply with the Nebraska Political Accountability and Disclosure Act. Hergert paid \$33,512 in civil penalties to the Nebraska Accountability and Disclosure Commission.

(more)

The goal of the Attorney General's investigation was to create a comprehensive record for Nebraskans and determine whether or not Hergert willfully and criminally intended to file false information and delay reporting of his expenses so that his opponent would not receive public matching funds prior to the election.

Although the grand jury may return indictments based on the evidence they evaluate, the investigation will likely focus on the statutes described in the Application for Grand Jury, including:

Neb. Rev. Stat. § 32-1604(5)(b) – Forty Percent Affidavit Filing, a Class II misdemeanor.

Neb. Rev. Stat. § 49-14,134 – False Statement or Report, a Class IV felony.

Neb. Rev. Stat. § 28-901 – Obstructing Government Operations, a Class I misdemeanor.

Neb. Rev. Stat. § 28-911 – Abuse of Public Records, a Class II misdemeanor.

Neb. Rev. Stat. § 28-915.01 – False Statement Under Oath, a Class II misdemeanor.

Neb. Rev. Stat. § 28-924 – Official Misconduct, a Class II misdemeanor.

###

An audio clip featuring comments from Attorney General Bruning is available at
http://www.ago.state.ne.us/content/sound_bits.html.

2005-10

IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA

IN RE APPLICATION AND)
PETITION TO CALL AND CONVE)
A GRAND JURY)
LANCASTER COUNTY)
DEC 12 AM 9 27)
CLERK OF THE)
DISTRICT COURT)
DOC. _____ PAGE _____
ORDER

THIS MATTER having come before this Court by Application and Petition to Call and Convene a Grand Jury, filed by Jon Bruning, the Attorney General of the State of Nebraska, requesting this Court to call and convene a Grand Jury to investigate those matters set forth in his application.

Having reviewed the Application and Petition, and attached Affidavit, this Court finds that a Grand Jury should be convened and called as soon as practicable and as provided by law for the purpose of considering and investigating all crimes that have been or which are claimed to have been committed in this county that relate to those matters which cause it to be called.

THEREFORE, IT IS ORDERED:

1. That the Clerk of the District Court of Lancaster County, Nebraska, is ordered and directed to prepare and submit a Grand Jury list as provided by law.
2. That a Grand Jury be called and convened to sit for the purpose of considering the alleged illegal acts set forth in the Application and Petition and supporting affidavit and for such other matters as might properly come before the Jury.
3. That a date and time be set for convening the Grand Jury as soon as is practicable and that the Clerk of the District Court proceed to have the personnel of the Grand Jury determined and notified as required by law.

IT IS FURTHER ORDERED by the decision of the District Court of Lancaster County that Nebraska Assistant Attorney General, Donald W. Kleine and Assistant Attorney General, Jeffrey J. Lux, both attorneys admitted to the bar of the State of Nebraska, are hereby appointed as special prosecutors before the Grand Jury.

DATED this 12th day of December, 2005.

BY THE COURT:

A handwritten signature in dark ink, appearing to be 'Karen B. Flowers', written over a horizontal line.

Karen B. Flowers
Presiding Judge, District 3

2005 - 10

IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA

IN RE APPLICATION AND DEC 12 AM 9 18 DOC. _____ PAGE _____
PETITION TO CALL AND CONVE NE)
A GRAND JURY) CLERK OF THE)
DISTRICT COURT) APPLICATION FOR)
GRAND JURY)

COMES NOW, Jon Bruning, Attorney General for the State of Nebraska pursuant to the authority granted the Attorney General in sections 84-203, which authorizes the Attorney General to appear for the state and prosecute "in any court or before any officer, board, or tribunal, any cause or matter, civil or criminal, in which the state may be a party or interested" and 84-204, which confers on the Attorney General "the same powers and prerogatives ... as the county attorneys", hereby requests and petitions this Court pursuant to sections 29-1401(1), which vests the district courts with the power to call grand juries, to call, convene, and summon a Grand Jury in the manner provided by law as this District Court shall direct.

Your Applicant, to ensure the integrity of the electoral process, makes this application and request for the purpose of investigating alleged criminal activity connected to the campaign for, and the November 2, 2004 election of, David Hergert to the office of Regent on the University of Nebraska Board of Regents.

Your Applicant presents this request to convene a Grand Jury, to ensure that a complete investigation is commenced regarding offenses against the criminal laws of the State of Nebraska alleged to have been committed by David Hergert, within Lancaster County, Nebraska. Mr. Hergert is presently holding an elected position as a University of Nebraska Regent and, as such, is a Constitutional Officer of the State of Nebraska.

The Nebraska Department of Justice was made aware of irregularities generally concerning the reporting of campaign finances and spending and contributions made by

David Hergert in his campaign for Regent. These alleged improprieties occurred in the primary and general elections in 2004. On July 14, 2005, Lt. Mark Funkhouser initiated an investigation of possible violations of Nebraska statutes at the request of Nebraska Attorney General, Jon Bruning.

The Nebraska State Patrol inquiry into David Hergert's election to Regent uncovered irregularities which call into question Mr. Hergert's position as Regent. These irregularities concern potential violations of Nebraska's campaign finance, accountability and disclosure and criminal statutes, and as such, further investigation is warranted.

These potential violations include, but are not limited to: Neb. Rev. Stat. § 32-1604(5)(b) – Forty Percent Affidavit Filing, a Class II misdemeanor; Neb. Rev. Stat. § 49-14,134 – False Statement or Report, a Class IV felony; Neb. Rev. Stat. § 28-901 – Obstructing Government Operations, a Class I misdemeanor; Neb. Rev. Stat. § 28-911 – Abuse of Public Records, a Class II misdemeanor; Neb. Rev. Stat. § 28-915.01 – False Statement Under Oath or Affirmation, a Class II misdemeanor; and Neb. Rev. Stat. § 28-924 – Official Misconduct, a Class II misdemeanor.

It is believed the investigative function of a Grand Jury may develop sufficient facts and information regarding possible violations of Nebraska law. The broader investigative powers of a Grand Jury, to subpoena witnesses and obtain documents, would ensure that a complete and thorough inquiry is made into the legality of David Hergert's election to the office of Regent. A Grand Jury can then review all the evidence and determine whether there is a reasonable belief that a criminal offense has been committed. Such an investigation and determination, pursuant to the grand jury statutes, is necessary to maintain the public trust and preserve the integrity of the State of Nebraska's electoral process.

Therefore, in order to effectively pursue the allegations, to provide an appropriate legal forum for the resolution of these issues, and to ensure the integrity of Nebraska's electoral process, it is the belief of the Attorney General of the State of Nebraska that a duly constituted Grand Jury is necessary as an investigative body to assist authorities in gathering necessary evidence under oath to properly investigate, impartially, fairly and thoroughly all matters and circumstances surrounding the allegations herein and above set forth.

WHEREFORE, the undersigned prays that an order be entered providing as follows:

1. That the Clerk of the District Court of Lancaster County, Nebraska, be ordered and directed to prepare and submit a Grand Jury list as provided by law.

2. That a Grand Jury be called to sit for the purpose of considering the alleged illegal acts set forth in this petition and supporting affidavit and for such other matters as might properly come before the Jury.

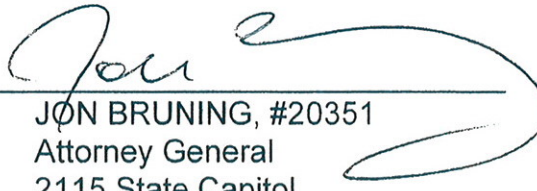
3. That a date and time be set for convening the Grand Jury and that the Clerk of the District Court proceed to have the personnel of the Grand Jury determined and notified as required by law.

4. Petitioner also prays that Nebraska Assistant Attorney General, Donald W. Kleine and Assistant Attorney General, Jeffrey J. Lux be assigned as special prosecutors before this Grand Jury pursuant to section 84-203 which authorizes the Attorney General to appear for the state and prosecute "in any court or before any officer, board, or tribunal, any cause or matter, civil or criminal, in which the state may be a party or interested." In addition, section 84-204 allows the Attorney General to be in attendance at a Grand Jury as the prosecutor for the purpose of assisting the Grand Jury in its duties. See sections 84-204, 29-1408, and 23-1208. This request for appointment is made, in part, due to the fact that County Attorneys

have been specifically removed from being able to prosecute crimes under sections 49-1401 et.seq. of the Nebraska Statutes. (See 49-14,123(11) & legislative history, LB 758, 1997 1st Session).

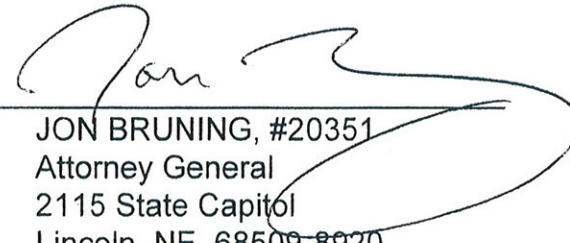
Respectfully submitted,

BY JON BRUNING, #20351
Attorney General

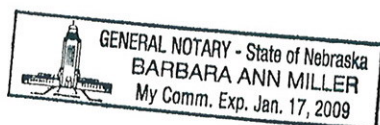
BY 
JON BRUNING, #20351
Attorney General
2115 State Capitol
Lincoln, NE 68509-8920
Tel: (402) 471-2682

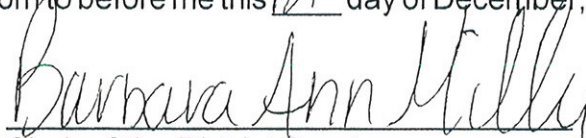
STATE OF NEBRASKA)
)
COUNTY OF LANCASTER) ss.

Jon Bruning, Attorney General, being first duly sworn, deposes and says that he is the signatory hereon in the request for the impanelment of a Grand Jury.

BY 
JON BRUNING, #20351
Attorney General
2115 State Capitol
Lincoln, NE 68509-8920
Tel: (402) 471-2682

Subscribed in my presence and sworn to before me this 12th day of December, 2005.




Clerk of the District Court

State of Nebraska Statutes

Section 32-1604.01

Candidates for covered elective office; affidavit; late fee; violation of act; when.

(1) Except as otherwise provided in this section, each candidate for a covered elective office listed in subdivision (1)(a) of section 32-1603 shall file either an affidavit to abide under subsection (4) of section 32-1604 or an affidavit not to abide under subdivision (5)(a) of section 32-1604 with the Nebraska Accountability and Disclosure Commission within ten days after a candidate committee is required to be formed pursuant to sections 49-1413, 49-1445, and 49-1449 and on or before the first day of each election period thereafter unless the candidate has not filed and will not file to seek election or reelection or has withdrawn his or her filing to seek election or reelection. Except as otherwise provided in this section, each candidate for a covered elective office listed in subdivision (1)(b) of section 32-1603 shall file either an affidavit to abide under subsection (4) of section 32-1604 or an affidavit not to abide under subdivision (5)(a) of section 32-1604 with the Nebraska Accountability and Disclosure Commission within ten days after a candidate committee is required to be formed pursuant to sections 49-1413, 49-1445, and 49-1449 or within ten days after the office is designated as a covered elective office under section 32-1611, whichever is later, unless the candidate has not filed and will not file to seek election or reelection or has withdrawn his or her filing to seek election or reelection. If a candidate is not required to form a candidate committee, the candidate is not required to file an affidavit under section 32-1604.

(2) Any candidate for a legislative district which is subject to election in 1998 for whom a candidate committee is in existence on September 13, 1997, shall file an affidavit to abide under subsection (4) of section 32-1604 or an affidavit not to abide under subdivision (5)(a) of section 32-1604 within thirty days after September 13, 1997.

(3) An affidavit to abide under subsection (4) of section 32-1604 and an affidavit not to abide under subdivision (5)(a) of section 32-1604 shall be filed on forms prescribed by the commission.

(4) A candidate who fails to file an affidavit as required by this section shall pay to the commission a late filing fee of twenty-five dollars for each day the statement remains not filed in violation of this section not to exceed seven hundred fifty dollars.

(5) It shall be a violation of the Campaign Finance Limitation Act for a candidate for a covered elective office who has filed an affidavit to abide under subsection (4) of section 32-1604 to exceed the spending limitations prescribed in section 32-1604.

Source:

Laws 1997, LB 420, § 5

Laws 1999, LB 416, § 1

~ Reissue Revised Statutes of Nebraska

State of Nebraska Statutes

Section 49-14,134

False statement or report; unlawful; penalty.

In addition to penalties otherwise provided in the Nebraska Political Accountability and Disclosure Act, any person who files a statement or report required under the act knowing that information contained in the statement or report is false or that the verification statement required on the document is false shall be guilty of a Class IV felony.

Source:

Laws 1976, LB 987, § 134

Laws 1977, LB 41, § 58

Laws 1999, LB 581, § 4

~ Reissue Revised Statutes of Nebraska

State of Nebraska Statutes

Section 28-901

Obstructing government operations; penalty.

(1) A person commits the offense of obstructing government operations if he intentionally obstructs, impairs, or perverts the administration of law or other governmental functions by force, violence, physical interference or obstacle, breach of official duty, or any other unlawful act, except that this section does not apply to flight by a person charged with crime, refusal to submit to arrest, failure to perform a legal duty other than an official duty, or any other means of avoiding compliance with law without affirmative interference with governmental functions.

(2) Obstructing government operations is a Class I misdemeanor.

Source:

Laws 1977, LB 38, § 186

Annotations:

The offense must consist of physical interference or some unlawful act. *State v. Douglas*, 217 Neb. 199, 349 N.W.2d 870 (1984).

~ Reissue Revised Statutes of Nebraska

State of Nebraska Statutes

Section 28-911

Abuse of public records; penalty; public record, defined.

(1) A person commits abuse of public records, if:

(a) He knowingly makes a false entry in or falsely alters any public record; or

(b) Knowing he lacks the authority to do so, he intentionally destroys, mutilates, conceals, removes, or impairs the availability of any public record; or

(c) Knowing he lacks the authority to retain the record, he refuses to deliver up a public record in his possession upon proper request of any person lawfully entitled to receive such record; or

(d) He makes, presents, or uses any record, document, or thing, knowing it to be false, and with the intention that it be taken as a genuine part of the public record.

(2) As used in this section, the term public record includes all official books, papers, or records created, received, or used by or in any governmental office or agency.

(3) Abuse of public records is a Class II misdemeanor.

Source:

Laws 1977, LB 38, § 196

~ Reissue Revised Statutes of Nebraska

State of Nebraska Statutes

Section 28-915.01

False statement under oath or affirmation; penalty.

(1) A person who makes a false statement under oath or equivalent affirmation, or swears or affirms the truth of such a statement previously made, when he or she does not believe the statement to be true, is guilty of a Class I misdemeanor if the falsification:

(a) Occurs in an official proceeding; or

(b) Is intended to mislead a public servant in performing his or her official function.

(2) A person who makes a false statement under oath or equivalent affirmation, or swears or affirms the truth of such a statement previously made, when he or she does not believe the statement to be true, is guilty of a Class II misdemeanor if the statement is one which is required by law to be sworn or affirmed before a notary or other person authorized to administer oaths.

(3) Subsections (4) to (7) of section 28-915 shall apply to this section.

Source:

Laws 1987, LB 451, § 4

Annotations:

A person can be convicted of making a false statement under oath when making a statement based on a belief that he or she knows is false. Perjury can be proved either by two witnesses or by one witness, together with material and independently established corroborative facts sufficient to amount to the testimony of another witness. State v. McCaslin, 240 Neb. 482, 482 N.W.2d 558 (1992).

~ Reissue Revised Statutes of Nebraska

State of Nebraska Statutes

Section 28-924

Official misconduct; penalty.

(1) A public servant commits official misconduct if he knowingly violates any statute or lawfully adopted rule or regulation relating to his official duties.

(2) Official misconduct is a Class II misdemeanor.

Source:

Laws 1977, LB 38, § 209

~ Reissue Revised Statutes of Nebraska



STATE OF NEBRASKA
Office of the Attorney General

2115 STATE CAPITOL BUILDING
LINCOLN, NE 68509-8920
(402) 471-2682
TDD (402) 471-2682
CAPITOL FAX (402) 471-3297
K STREET FAX (402) 471-4725

JON BRUNING
ATTORNEY GENERAL

FOR IMMEDIATE RELEASE
December 9, 2005, 2:30 p.m. CST

CONTACT:
Regan Anson, 402-471-2067

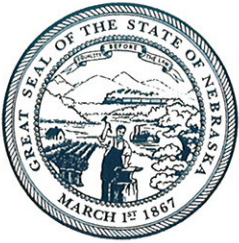
*****Media Advisory*****
Pre-Trial Hearing in Koso Case Set for
1:00 p.m. CST Tuesday, Dec. 13

A pre-trial hearing in the first-degree sexual assault case against Matthew Koso of Falls City has been set for 1:00 p.m. Tuesday, Dec. 13 in Richardson County District Court. It is possible that the case could be resolved at that time. If the case is not resolved, Koso's trial is set to begin at 9:00 a.m. Thursday, Dec. 15 in Richardson County District Court.

Attorney General Jon Bruning filed one count of first-degree sexual assault against Koso in July after learning of his two-year sexual relationship with a 14-year-old girl who ended up pregnant with his child. The pair was married in May in Hiawatha, Kan., where state law allows children as young as 12 to marry with parental consent.

First degree sexual assault is a Class II felony punishable by 1-50 years in prison.

###



STATE OF NEBRASKA
Office of the Attorney General

2115 STATE CAPITOL BUILDING
LINCOLN, NE 68509-8920
(402) 471-2682
TDD (402) 471-2682
CAPITOL FAX (402) 471-3297
K STREET FAX (402) 471-4725

JON BRUNING
ATTORNEY GENERAL

FOR IMMEDIATE RELEASE
December 6, 2005, 10:00 a.m. CST

CONTACT:
Regan Anson, 402-471-2067

Bruning Announces Conviction in Madison County Courtroom Attack

(Lincoln, Neb.) Attorney General Jon Bruning announced today that his office has obtained a conviction against Raquel Perez, 38, of Madison for assaulting a Madison County Sheriff's deputy while in court on a possession of methamphetamine charge.

Perez pled guilty to third degree assault on an officer, a Class IIIA felony punishable by up to five years in prison and/or \$10,000 in fines.

Bruning said, "This crime illustrates the danger of methamphetamine and what it does to people who use it regularly. Our law enforcement officers face a lot of danger in every facet of their jobs because of meth. Thankfully, in this incident, no one was seriously injured."

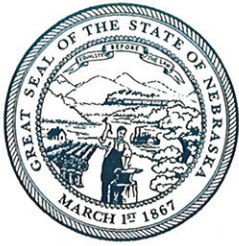
On March 7, 2005, Perez was sentenced to 14 to 18 months in jail for possession of a controlled substance (methamphetamine), a Class IV felony. As Perez was being escorted out of the courtroom, she assaulted Madison County Sheriff's Deputy Dennis Lauver and attempted to grab his weapon before she was successfully restrained.

Sentencing is scheduled for 2:00 p.m. CST Wednesday, Dec. 21 in Madison County District Court.

Assistant Attorney General Matt Enenbach handled the case.

###

An audio clip featuring comments from the Attorney General is now available at www.ago.state.ne.us.



STATE OF NEBRASKA
Office of the Attorney General

2115 STATE CAPITOL BUILDING
LINCOLN, NE 68509-8920
(402) 471-2682
TDD (402) 471-2682
CAPITOL FAX (402) 471-3297
K STREET FAX (402) 471-4725

JON BRUNING
ATTORNEY GENERAL

FOR IMMEDIATE RELEASE
December 6, 2005, 10:00 a.m. CST

CONTACT:
Regan Anson, 402-471-2067

Bruning Announces Conviction in Madison County Courtroom Attack

(Lincoln, Neb.) Attorney General Jon Bruning announced today that his office has obtained a conviction against Raquel Perez, 38, of Madison for assaulting a Madison County Sheriff's deputy while in court on a possession of methamphetamine charge.

Perez pled guilty to third degree assault on an officer, a Class IIIA felony punishable by up to five years in prison and/or \$10,000 in fines.

Bruning said, "This crime illustrates the danger of methamphetamine and what it does to people who use it regularly. Our law enforcement officers face a lot of danger in every facet of their jobs because of meth. Thankfully, in this incident, no one was seriously injured."

On March 7, 2005, Perez was sentenced to 14 to 18 months in jail for possession of a controlled substance (methamphetamine), a Class IV felony. As Perez was being escorted out of the courtroom, she assaulted Madison County Sheriff's Deputy Dennis Lauver and attempted to grab his weapon before she was successfully restrained.

Sentencing is scheduled for 2:00 p.m. CST Wednesday, Dec. 21 in Madison County District Court.

Assistant Attorney General Matt Enenbach handled the case.

###

An audio clip featuring comments from the Attorney General is now available at www.ago.state.ne.us.

FOR IMMEDIATE RELEASE
December 1, 2005, 10:00 a.m. CST

CONTACT:
Regan Anson, 402-471-2067

Bruning's Statement on the Passage of Federal Meth Legislation

(Lincoln, Neb.) Attorney General Jon Bruning issued the following statement today on Congress' passage of meth legislation that will place nationwide restrictions on the sale of pseudoephedrine, a key ingredient in the manufacture of methamphetamine.

Bruning said, "With the signing of LB 117, Nebraska declared war on methamphetamine and sent a strong message that our state will not be a safe haven for meth activity. I'm glad to see the federal government following our lead and that of other states in their efforts to stem the tide of this deadly drug. This legislation will prove critical in the fight against meth throughout the country."

Nebraska's comprehensive meth legislation, LB 117, was overwhelmingly approved by legislators and signed into law on May 31, 2005. The legislation toughened penalties for drug crimes involving firearms, brought penalties for meth equal to those for cocaine and added meth to the list of exceptionally hazardous drugs.

The bill also restricted the sale of pseudoephedrine, requiring most forms to be sold from behind the counter or a locked cabinet, and the amount one can purchase in a 24-hour period to 1,440 milligrams, or about 48 doses. It also requires buyers to be at least 18-year-old and show government-issued photo identification.

###

FOR IMMEDIATE RELEASE
December 1, 2005, 10:00 a.m. CST

CONTACT:
Regan Anson, 402-471-2067

Bruning's Statement on the Passage of Federal Meth Legislation

(Lincoln, Neb.) Attorney General Jon Bruning issued the following statement today on Congress' passage of meth legislation that will place nationwide restrictions on the sale of pseudoephedrine, a key ingredient in the manufacture of methamphetamine.

Bruning said, "With the signing of LB 117, Nebraska declared war on methamphetamine and sent a strong message that our state will not be a safe haven for meth activity. I'm glad to see the federal government following our lead and that of other states in their efforts to stem the tide of this deadly drug. This legislation will prove critical in the fight against meth throughout the country."

Nebraska's comprehensive meth legislation, LB 117, was overwhelmingly approved by legislators and signed into law on May 31, 2005. The legislation toughened penalties for drug crimes involving firearms, brought penalties for meth equal to those for cocaine and added meth to the list of exceptionally hazardous drugs.

The bill also restricted the sale of pseudoephedrine, requiring most forms to be sold from behind the counter or a locked cabinet, and the amount one can purchase in a 24-hour period to 1,440 milligrams, or about 48 doses. It also requires buyers to be at least 18-year-old and show government-issued photo identification.

###